



Attorney Docket No.: 3800002.00055/4804US  
--RESPONSE UNDER 37 CFR §1.116  
EXPEDITED PROCEDURE--  
EXAMINING GROUP 1600

THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Aladar A. Szalay *et al.* Art Unit : 1633  
Serial No. : 10/516,785 Examiner : Burkhardt, Michael D.  
Filed : June 27, 2005 Conf. No. : 7336  
Cust. No. : 77202  
Title : LIGHT EMITTING MICROORGANISMS AND CELLS FOR DIAGNOSIS AND  
THERAPY OF DISEASES ASSOCIATED WITH WOUNDED OR INFLAMED  
TISSUE

**Mail Stop AF**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**AMENDMENT AFTER FINAL**

Dear Sir:

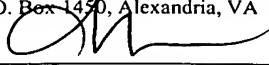
Responsive to the Office Action, mailed, July 20, 2010, entry of the following amendment and consideration of the following remarks respectfully are requested. It respectfully is submitted that entry of the Amendment places the application into condition for allowance or, alternatively, reduces the number of issues for appeal by addressing issues raised in the Final Office Action. For example, claims 6, 14, 16 and 21, which are objected to as being dependent upon a rejected base claim and are allowable if rewritten as independent claims or as dependent upon an allowable base claim, are rewritten as independent claims, thereby obviating the objection. In addition, although Applicant does not concede that the rejection under 35 U.S.C. §102(b) is warranted, rejected claim 1 is amended to render it clear that the microorganism is administered to a subject who has, or is suspected of having, internal wounded or inflamed tissues; the claim does not read on selecting a subject who is to be wounded after administering the microorganism. Also, the claim affirmatively recites that the subject is imaged (organs are not excised), and the subject is alive when imaged. Thus, claim 1 and dependent claims should be in condition for allowance.

**Amendments to the claims** are reflected in the listing of the claims, which begins on page 2 of this paper.

**Remarks/Arguments** begin on page 8 of this paper.

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I hereby certify that this paper is being deposited with the United States Postal "Express Mail Post Office to Addressee" Service under 37 CFR §1.10 on the date indicated above and is addressed to: Mail Stop AF, Commissioner for Patents, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450.

  
Christopher Ochs